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***Draft: February 2021***

**GROUND WATER QUALITY BUREAU  
DISCHARGE PERMIT  
Issued under 20.6.2 NMAC**

**Facility Name:** City of Rio Rancho, Mariposa Water Reclamation Facility (WWTP #5)

**Discharge Permit Number:** DP-1467

**Facility Location:** 3651 Hanley Road, NE  
Rio Rancho, New Mexico

**County:** Sandoval

**Permittee:** City of Rio Rancho

**Mailing Address:** 3200 Civic Center Circle, NE  
Rio Rancho, New Mexico 87144

**Facility Contact:** Eddie Delara

**Telephone Number/Email:** (505) 975-1569/Edward.delara@jacobs.com

**Permitting Action:** Renewal

**Permit Issuance Date:** DATE

**Permit Expiration Date:** DATE

**NMED Permit Contact:** Sandra Gabaldón

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**MICHELLE HUNTER**  
Chief, Ground Water Quality Bureau  
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Date

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## **I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit or DP-1467), to the City of Rio Rancho (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Mariposa Wastewater Reclamation Facility (WRF) WWTP #5 (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics

A membrane bio-reactor system (MBR) receives and treats domestic wastewater at a volume of up to 667,000 gallons per day (gpd). Following disinfection, treated wastewater (Class 1A reclaimed domestic wastewater) may be discharged to a re-use system within the Mariposa Subdivision (re-use area) or to an infiltration gallery (approximately 2.5 acres) for subsurface disposal, which is part of an the Aquifer Recharge Demonstration Project permitted by the New Mexico Office of the State Engineer (demonstration permit USR-1). There is also a proposed discharge to a direct injection well that has not yet occurred. The Mariposa Community has not yet received any reclaimed domestic wastewater.

The previously permitted Hawksite (WWTF#4) was permanently closed in 2017. NMED received documentation of the closure of WWTF #4 on February 1, 2017.

The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105.A NMAC.

The facility is located at 3651 Hanley Road, NE, Rio Rancho, in Section 7, T13N, R03E, in Sandoval County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 461 feet and having a total dissolved solids (TDS) concentration of approximately 494 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on June 18, 2004 and subsequently renewed the Permit on September 4, 2015. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by City of Rio Rancho dated March 10, 2020 and materials contained in the administrative record prior to issuance of this Discharge Permit. The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a Discharge Permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by the department that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

NMED issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit	NO <sub>3</sub> -N	nitrate-nitrogen
Cl	chloride	NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO <sub>3</sub> -N
LADS	land application data sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	Most Probable Number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility

## **II. FINDINGS**

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. Pursuant to this Discharge Permit and Section 20.6.2.3104 NMAC, the Permittee is allowed to discharge effluent or leachate from the Facility directly or indirectly into groundwater.
3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

## **III. AUTHORIZATION TO DISCHARGE**

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to receive and treat up to 667,000 gallons per day (gpd) of domestic wastewater at the Facility using an MBR. Following disinfection with sodium hypochlorite, wastewater is discharged to an infiltration gallery.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

## **IV. CONDITIONS**

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

### **A. OPERATIONAL PLAN**

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.  [Subsection C of 20.6.2.3109 NMAC]

#	Terms and Conditions
2.	<p>The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

***Operational Actions with Implementation Deadlines***

#	Terms and Conditions
3.	<p>Prior to discharging reclaimed domestic wastewater to the re-use area, the Permittee shall install the infrastructure necessary to transfer, distribute and apply reclaimed domestic wastewater. The Permittee shall ensure documentation confirming installation of the distribution system consists of a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable). The Permittee shall provide this documentation to NMED prior to discharging to the re-use area.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
4.	<p>Prior to discharging to the re-use area, the Permittee shall post signs in English and Spanish at all re-use areas. The signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed domestic wastewater may occur. The signs shall state: <b>NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> The Permittee may submit alternate wording and/or graphics to NMED for approval.</p> <p>Documentation of sign installation shall consist of a narrative statement describing the number and location of the signs and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

***Operating Conditions***

#	Terms and Conditions
5.	<p>The Permittee shall ensure that treated wastewater discharged from the Facility after the chlorination chamber does not exceed the following discharge limit.</p> <p><b>Total Nitrogen: 10 mg/L</b></p>

#	Terms and Conditions															
	[Subsection C of 20.6.2.3109 NMAC]															
6.	<p>The Permittee shall ensure that Class 1A reclaimed domestic wastewater discharged from permeate tank does not exceed the following discharge limits:</p> <table><tr><th>Test</th><th>30-Day Average</th><th>Maximum</th></tr><tr><td>Fecal Coliform</td><td>*5 MPN/100 mL</td><td>23 MPN/100 mL</td></tr><tr><td>BOD<sub>5</sub></td><td>10 mg/L</td><td>15 mg/l</td></tr><tr><td>Turbidity</td><td>3 NTU</td><td>5 NTU</td></tr><tr><td>TRC</td><td>Monitor</td><td>Monitor</td></tr></table> <p>*Fecal Coliform – 30-day average is the geomean (the geometric mean of the values for all effluent samples collected during a calendar month)</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	Test	30-Day Average	Maximum	Fecal Coliform	*5 MPN/100 mL	23 MPN/100 mL	BOD <sub>5</sub>	10 mg/L	15 mg/l	Turbidity	3 NTU	5 NTU	TRC	Monitor	Monitor
Test	30-Day Average	Maximum														
Fecal Coliform	*5 MPN/100 mL	23 MPN/100 mL														
BOD <sub>5</sub>	10 mg/L	15 mg/l														
Turbidity	3 NTU	5 NTU														
TRC	Monitor	Monitor														
7.	<p>The Permittee shall ensure adherence to the following general requirements for above-ground use of reclaimed domestic wastewater.</p> <p>a) Signs in English and Spanish shall be installed and maintained at all re-use areas such that they are visible and legible for the term of this Discharge Permit. Signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed domestic wastewater may occur. The signs shall state: <b>NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> The Permittee may submit alternate wording and/or graphics to NMED for approval.</p> <p>b) Reclaimed domestic wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC).</p> <p>c) Above-ground use of reclaimed domestic wastewater shall not result in excessive ponding of wastewater and shall not exceed the water consumptive needs of the crop. The discharge of reclaimed domestic wastewater shall not be conducted at times when the re-use area is saturated or frozen.</p> <p>d) The discharge of reclaimed domestic wastewater shall be confined to the re-use area.</p>															

#	Terms and Conditions
	<p>e) Water supply wells within 200 feet of a re-use area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. The Permittee shall manage re-used reclaimed domestic wastewater to ensure protection of groundwater quality.</p> <p><u>f)</u> Existing and accessible portions of the reclaimed domestic wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed domestic wastewater distribution system. Piping, valves and outlets that are installed during the term of this Discharge Permit shall be colored purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses.</p> <p><u>f)g)</u> Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel.</p> <p>The Permittee shall demonstrate adherence to these requirements by submitting documentation consisting of narrative statements and date-stamped photographs as appropriate. The Permittee shall submit the documentation to NMED once during the term of this Discharge Permit in the next required periodic monitoring report after the issuance of the Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
8.	<p>The Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed domestic wastewater prior to discharging to the re-use area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed domestic wastewater delivery system. The Permittee shall maintain backflow prevention at all times.</p> <p>The Permittee shall have RP devices inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. The Permittee shall have all malfunctioning RP devices repaired or replaced within 30 days of discovery. Supply lines associated with the RP device shall cease being used until repair or replacement has been completed.</p>



#	Terms and Conditions
	<p>The Permittee shall maintain copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program at a location available for inspection by NMED.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>The Permittee shall maintain fences around the Facility to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
10.	<p>The Permittee shall install and maintain signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. The signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
11.	<p>The Permittee shall visually inspect the area above the infiltration gallery (disposal system) at the Facility semi-annually to ensure proper maintenance. The Permittee shall correct any conditions that indicate damage to the disposal system. The Permittee shall ensure conditions corrected include; erosion damage, animal activity/damage, woody shrubs, evidence of seepage, or any other condition indicating damage.</p> <p>The Permittee shall keep a log of the inspections that includes a date of the inspection, any findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>In the event of a failure of the disposal system, the Permittee shall enact the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
12.	<p>The Permittee shall properly manage all solids generated by the treatment system at the Facility to maintain effective operation of the system by removing solids as necessary in accordance with accepted process control methods. The Permittee shall contain, transport and dispose of all solids removed from the treatment process in accordance with all local, state, and federal regulations.</p>

#	Terms and Conditions
	<p>The Permittee shall maintain manifests for all solids transported from the treatment Facility for off-site disposal. The manifests shall identify the name of the hauler, the date of off-site shipment, the volume of solids removed, the disposal method, and disposal location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
13.	<p>The Permittee shall inspect and clean the lift station(s) as needed to prevent pump failure.</p> <p>The Permittee shall maintain a record of lift station inspections, repairs and cleanings. The Permittee shall make the record available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
14.	<p>The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment and disposal systems. A certified operator or a direct supervisee of a certified operator shall perform the operations and maintenance of all or any part of the wastewater system.</p> <p>The Permittee shall notify the NMED within 24 hours if at any time the Permittee no longer has a certified operator maintaining the system.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
15.	<p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
16.	<p>METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
17.	<p>Quarterly monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit quarterly reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> <li>January 1st through March 31st – <b>due by May 1st;</b></li> <li>April 1st through June 30th – <b>due by August 1st;</b></li> <li>July 1st through September 30th – <b>due by November 1st; and</b></li> <li>October 1st through December 31st – <b>due by February 1st.</b></li> </ul> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

***Monitoring Actions with Implementation Deadlines***

#	Terms and Conditions
18.	<p>Prior to discharging to re-use area, the Permittee shall install the following flow meter:</p> <ul style="list-style-type: none"> <li>a) One totalizing flow meter installed on the discharge line after the permeate tank to the re-use system to measure the volume of reclaimed wastewater discharged to the re-use area.</li> </ul> <p>The Permittee shall submit confirmation of meter installation, type, calibration, and locations prior to discharging from the Facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

***Groundwater Monitoring Conditions***

#	Terms and Conditions
19.	<p>The Permittee shall submit all bi-annual monitoring reports required by the Aquifer Recharge Demonstration Project permitted by the New Mexico Office of the State Engineer (demonstration permit USR-1) to NMED with the quarterly monitoring reports due on February 1<sup>st</sup> and August 1<sup>st</sup>.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

***Facility Monitoring Conditions***

#	Terms and Conditions
20.	<p>The permittee shall measure the totalized average daily and peak daily volume of wastewater received by the treatment facility each month using a magnetic flow meter equipped with an electronic digital totalizer recorder located on the influent line.</p> <p>The Permittee shall submit the monthly meter readings, calculated monthly discharge volumes, and average daily discharge volumes to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
21.	<p>The Permittee shall on a monthly basis measure the volume of treated domestic wastewater discharged from the treatment system to:</p> <ul style="list-style-type: none"> <li>the infiltration gallery: readings shall be obtained from the totalizing flow meter located after the permeate tank; and</li> <li>the re-use area (If discharge occurs); reading shall be obtained from a totalizing flow meter located on the re-use line after the permeate tank.</li> </ul> <p>To determine the discharge volume, the Permittee shall obtain readings from a totalizing flow meter located after the permeate tank on a monthly basis and calculate the monthly and average daily discharge volume.</p> <p>The Permittee shall submit the monthly meter readings, calculated monthly discharge volumes, and average daily discharge volumes to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
22.	<p>All flow meters shall be capable of having their accuracy verified under working (i.e., real-time in-the-field) conditions. The Permittee shall develop a field verification method for each flow meter and shall utilize that method to check the accuracy of each respective meter. The Permittee shall perform field calibrations upon repair or replacement of a flow measurement device and, at a minimum, within 90 days of the issuance date of this Discharge Permit (<b>by DATE</b>), and then on an annual basis.</p> <p>The Permittee shall ensure each flow meter is calibrated to its manufacturer's recommended specification which shall be no less accurate than plus or minus 10 percent of actual flow, as measured under field conditions. An individual knowledgeable in flow measurement shall perform field calibration and the installation/operation of the device in use. The Permittee shall prepare a flow meter</p>

#	Terms and Conditions
	<p>calibration report for each flow measurement device calibration event. The flow meter calibration report shall include the following information.</p> <ol style="list-style-type: none"> <li>The location and meter identification.</li> <li>The method of flow meter field calibration employed.</li> <li>The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check.</li> <li>The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter.</li> <li>Any flow meter repairs made during the previous year or during field calibration.</li> <li>The name of the individual performing the calibration and the date of the calibration.</li> </ol> <p>The Permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during Facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
23.	<p>The Permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes a date of the inspection, findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the Permittee shall repair or replace the meter within 30 days of discovery. For <i>repaired</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For <i>replacement</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
24.	<p>The Permittee shall collect samples of reclaimed domestic wastewater from the permeate tank on a quarterly basis and analyze the samples for:</p> <ul style="list-style-type: none"> <li>TKN;</li> <li>NO<sub>3</sub>-N;</li> </ul>

#	Terms and Conditions
	<ul style="list-style-type: none"> <li>• TDS; and</li> <li>• Cl.</li> </ul> <p>The Permittee shall ensure the samples are properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
25.	<p>During any week that the discharge of reclaimed domestic wastewater occurs, the Permittee shall perform the following analyses on reclaimed domestic wastewater samples collected after the permeate tank using the following sampling method and frequency:</p> <ul style="list-style-type: none"> <li>• Fecal coliform: Grab sample at peak daily flow taken three times per week;</li> <li>• BOD<sub>5</sub>: Six-hour composite sample taken three times per week;</li> <li>• Turbidity: continuously monitor reclaimed domestic wastewater for turbidity after the final treatment process and while discharging; record the average and maximum turbidity values for each calendar month; and</li> <li>• TRC concentrations: Record whenever bacteria samples are collected.</li> </ul> <p>The Permittee shall ensure the samples are properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, monthly average and maximum turbidity values, and a copy of the log of TRC concentrations to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
26.	<p>Records of solids disposal, including a copy of all Discharge Monitoring Reports (i.e., DMRs) required to be submitted to the EPA pursuant to 40 CFR 503 for the previous calendar year, shall be submitted to NMED annually in the monitoring report due by August 1<sup>st</sup> each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

### C. CONTINGENCY PLAN

#	Terms and Conditions
27.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge during the term of this Discharge Permit, upon closure of the Facility or during the implementation of post-closure requirements, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
28.	<p>In the event that analytical results of a treated wastewater sample indicate an exceedance of the total nitrogen discharge limit set in this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 48 hours of the receipt of the initial sampling results. In the event the second sample results indicate an exceedance of the discharge limit, the Permittee shall implement the following contingencies.</p> <ul style="list-style-type: none"> <li>a) Within 7 days of the second sample analysis date indicating exceedance of the discharge limit, the Permittee shall: <ul style="list-style-type: none"> <li>i) notify NMED that the Permittee is implementing the Contingency Plan; and</li> <li>ii) submit a copy of the first and second analytical results indicating an exceedance to NMED.</li> </ul> </li> <li>b) The Permittee shall increase the frequency of total nitrogen wastewater sampling and analysis of treated wastewater to once per month.</li> <li>c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</li> <li>d) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The Permittee shall correct any abnormalities discovered. The Permittee shall submit a report to NMED detailing the corrections within 30 days of correction.</li> <li>e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen discharge limit, the Permittee shall submit a <del>Corrective Action Plan (CAP)</del> to NMED for approval proposing to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit. The Permittee shall submit the CAP including a schedule for completion of corrective actions and within 90 days of receipt of the analytical results of the second sample</li> </ul>

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	<p>indicating that the discharge limit is continuing to be exceeded. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>When analytical results from three consecutive months of wastewater sampling do not exceed the discharge limit, the Permittee may request NMED authorize a return to a quarterly monitoring frequency.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
29.	<p>In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the maximum discharge limits for BOD<sub>5</sub>, TSS/turbidity, or fecal coliform or E. coli bacteria set by this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results confirm the exceedance of the maximum discharge limits, the Permittee shall implement the Contingency Plan below.</p> <p style="text-align: center;"><b>AND / OR</b></p> <p>In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the 30-day average discharge limits for BOD<sub>5</sub>, TSS/turbidity, or fecal coliform or E. coli bacteria set by this Discharge Permit (i.e., confirmed exceedance), the Permittee shall implement the Contingency Plan below.</p> <p><u>Contingency Plan</u></p> <ul style="list-style-type: none"> <li>a) Within 24 hours of becoming aware of a confirmed exceedance (as identified above), the Permittee shall: <ul style="list-style-type: none"> <li>i) notify NMED that the Permittee is implementing the Contingency Plan; and</li> <li>ii) submit copies of the recent analytical results indicating an exceedance to NMED.</li> </ul> </li> <li>b) The Permittee shall immediately cease discharging reclaimed domestic wastewater to the re-use area if the fecal coliform or E. coli bacteria maximum limit is exceeded.</li> <li>c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</li> <li>d) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities and shall correct any abnormalities discovered. The Permittee shall submit a report detailing the corrections made to NMED within 30 days following correction.</li> </ul> <p>When the analytical results from samples of reclaimed domestic wastewater, sampled as required by this Discharge Permit, no longer indicate an exceedance of any of the</p>



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	<p>maximum discharge limits, the Permittee may resume discharging reclaimed domestic wastewater to the re-use area.</p> <p>If a Facility is required to implement the Contingency Plan more than two times in a 12-month period, the Permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a CAP for NMED approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and is submitted within 60 days following receipt of the analytical results confirming the exceedance. The Permittee shall initiate implementation of the CAP following approval by NMED. NMED may require, prior to recommencing discharge to the re-use area, additional sampling of any stored reclaimed domestic wastewater.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
30.	<p>In the event that the Permittee identifies failure of the infiltration gallery, the Permittee shall implement the following Contingency Plan.</p> <ul style="list-style-type: none"> <li>a) Within 24 hours following the discovered failure, the Permittee shall: <ul style="list-style-type: none"> <li>i) notify NMED of the failure in accordance with the notification requirements described in the Contingency Plan for unauthorized discharges; and</li> <li>ii) restrict public access to the area.</li> </ul> </li> <li>b) The Permittee shall conduct a physical inspection of the treatment and disposal system to identify additional potential failures.</li> <li>c) The Permittee shall propose actions to address the failure and methods of correction by submitting a Corrective Action Plan to NMED for approval within 15 days following the discovered failure. The Corrective Action Plan shall include a schedule for completion of corrective actions and the Permittee shall initiate implementation of the Plan following approval by NMED.</li> </ul> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
31.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a “spill”), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none"> <li>a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.</li> <li>b) The name and address of the Facility.</li> </ul>

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	<p>c) The date, time, location, and duration of the unauthorized discharge.</p> <p>d) The source and cause of unauthorized discharge.</p> <p>e) A description of the unauthorized discharge, including its estimated chemical composition.</p> <p>f) The estimated volume of the unauthorized discharge.</p> <p>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</p> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a CAP to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <p>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</p> <p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
32.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a CAP and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

## D. CLOSURE PLAN

### *Permanent Facility Closure Conditions*

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33.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component of the Facility, is proposed to be permanently closed.</p> <p>Within <u>90 days</u> of ceasing to discharge to the treatment system, the Permittee shall complete the following closure measures.</p> <ol style="list-style-type: none"> <li>Plug the line leading to the system so that a discharge can no longer occur.</li> <li>Discharge wastewater in the Facility the infiltration gallery and the re-use area as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) to the re-use area is prohibited.</li> <li>Contain, transport, and dispose of solids removed from the treatment system in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all solids transported for off-site disposal.</li> </ol> <p>Within <u>180 days</u> of ceasing to discharge to the treatment system (or unit), the Permittee shall complete the following closure measures.</p> <ol style="list-style-type: none"> <li>Remove all lines leading to and from the treatment system, or permanently plug and abandon them in place.</li> <li>Remove or demolish all treatment system components, and re-grade the area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</li> </ol> <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

## E. GENERAL TERMS AND CONDITIONS

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34.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> <li>Information and data used to complete the application for this Discharge Permit;</li> <li>Information, data, and documents demonstrating completion of closure activities;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;</li> <li>• Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;</li> <li>• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>• The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;</li> <li>• Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;</li> <li>• Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;</li> <li>• The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li> <li>• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:               <ul style="list-style-type: none"> <li>○ the dates, location and times of sampling or field measurements;</li> <li>○ the name and job title of the individuals who performed each sample collection or field measurement;</li> <li>○ the sample analysis date of each sample</li> <li>○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>○ the analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>○ the results of each analysis or field measurement, including raw data;</li> <li>○ the results of any split, spiked, duplicate or repeat sample; and</li> <li>○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> </li> </ul> <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for the lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
35.	<p><b>SUBMITTALS</b> – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g.,</p>

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	<p>monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
36.	<p><b>INSPECTION and ENTRY</b> – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
37.	<p><b>DUTY to PROVIDE INFORMATION</b> - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
38.	<p><b>MODIFICATIONS and/or AMENDMENTS</b> – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
39.	<p><b>PLANS and SPECIFICATIONS</b> – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this</p>

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	<p>Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
40.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
41.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> <li>• Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA;</li> <li>• Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or</li> <li>• Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who</p>

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	<p>is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
42.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
43.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
44.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"> <li>• Notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>• Include a copy of this Discharge Permit with the notice; and</li> <li>• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li> </ul> <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>

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45.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>